

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Monica Michel,

Plaintiff,

Case No. \_\_\_\_\_

vs.

Mayo Clinic,

Defendant,

Plaintiff above name, Monica Kay Michel, through her attorney of record for her cause of action against the Defendant, Mayo Clinic, alleges as follows:

1. This is an action arising under the Employee Retirement Income Security Act of 1974, as amendment (ERISA) 29 USC Sec. 1001, et seq., to [a] recover benefits due under an employee benefit plan; [b] clarify Plaintiff's rights to future benefits under such plan, and [c] recover attorney's fees and costs.
2. At all time relevant to this action, Defendant maintained and managed a plan of Long Term Disability (LTD) Benefits for its employees. Plaintiff was an employee of Defendant covered under the LTD plan.
3. Plaintiff began receiving Long Term Disability Benefits through the Mayo Clinic LTD beginning in 2007. Plaintiff's disability was based upon multiple and longstanding diagnoses by physicians and health care professionals with a verified expertise in this condition, all of employed by Defendant, specifically including [a] fibromyalgia; [b] degenerative joint disease of the right AC joint; [c] Chronic Fatigue Syndrome; [d] Myofascial pain; and [e] depression.

4. At no time since 2007, and the commencement of benefits, have any of Ms. Michel's treating physicians recommended ongoing treatment, vocational or physical therapy, or opined that Plaintiff's condition is likely to improve such that she could return to competitive employment.

5. Defendant discontinued Long Term Disability Benefits for Plaintiff effective April 28, 2021.

6. The Notice of Discontinuance of Plaintiff's Long Term Disability Benefits was premised upon a neuro-psychological evaluation by a Doctor of Psychology retained by Defendant who has no familiarity with fibromyalgia, any other of Plaintiff's physical impairments, or Plaintiff's Long Term Functional Limitations associated with these conditions.

7. Plaintiff filed an Administrative Appeal of LTD's insurers benefit termination. In support of this appeal Plaintiff argued that none of Ms. Michel's treating physicians, and no physician who has examined or assessed her fibromyalgia condition, has recommended either rehabilitation, or that Ms. Michel's functional limitation had or were likely to improve to allow her to return to competitive work. Plaintiff's appeal was based upon substantial medical evidence including records of physician's employed by Defendant.

8. On October 26, 2021 the Defendant informed Plaintiff of its decision to uphold the termination of benefits.

**WHEREFORE,** Plaintiff demands judgement against Defendant:

- a. For the amount of all Long Term Disability Benefits due under the terms of the LTD plan that have not been paid, together with interest;
- b. Clarifying and declaring that the LTD plan is obligated to pay Plaintiff Long Term

Disability Benefits in the future as required by the terms of the LTD plan.

- c. For the amount of all expenses incurred by Plaintiff in order to retain her medical and dental insurance as result of the Defendant's failure to pay her premiums, together with interest thereon;
- d. For the costs of this action and Plaintiff's attorney's fees pursuant to 20 USC sec. (g) (1); and
- e. Such other and further relief as the Court may deem just and equitable under the circumstances.

Dated: September 27, 2022

Weinrich Law Office

S/Gerald S. Weinrich  
Plaintiff's Attorney  
Gerald S Weinrich (141355)  
Northgate Center, Suite 214  
1202 ½ 7<sup>th</sup> Street NW  
Rochester, Minn. 55904  
(507) 288-5982